

9 FAM 41.59 Procedural Notes

(TL:VISA-323; 10-10-2001)

9 FAM 41.59 N1 Visa Issuance Procedures

9 FAM 41.59 PN1.1 Evidence of Petition Approval

(TL:VISA-323; 10-10-2001)

a. A Mexican citizen seeking issuance of a TN nonimmigrant visa must be the beneficiary of an approved I-129 petition. Evidence of petition approval may consist of a Form I-797 Notice of Action, or a telephonic, e-mail or telegraphic notice from INS or the Department, of petition approval or the granting of an extension of stay.

b. The computer-generated Form I-797, printed on blue paper and unsigned, must include:

- (1) Date of Notice;*
- (2) Name of petitioner;*
- (3) Name of beneficiary;*
- (4) Petition/receipt number;*
- (5) Expiration date of the petition; and*
- (6) Name, address, and telephone number of the approving INS office.*

c. Questions regarding the bona fides of a particular Form I-797 should be directed to the INS Northern Service Center.

9 FAM 41.59 PN1.2 Single Visa/Multiple Petitions

(TL:VISA-323; 10-10-2001)

If a Mexican citizen is the beneficiary of more than one petition and does not plan to depart from the United States between engagements, consular officers may issue a single TN visa valid for one year, or until the expiration of the last expiring petition, reciprocity permitting. Notations from all petitions should be placed below the visa.

9 FAM 41.59 PN2 Status of Petition Filed with INS

(TL:VISA-323; 10-10-2001)

In general, posts shall not request the Department to provide telegraphic status reports on petitions pending approval with INS, nor shall they contact INS directly for such reports. Posts may suggest, as an alternative, that beneficiaries contact sponsors. In cases involving public relations, post should submit requests to the Department providing justification for such action.

9 FAM 41.59 PN3 Notification of Petition Receipt

(TL:VISA-323; 10-10-2001)

Upon receipt of an approved petition, the post shall inform the beneficiary of the procedure to be followed to apply for a visa.

9 FAM 41.59 PN4 Disposition of Visa Petitions

9 FAM 41.59 N4.1 When Visa Issued

(TL:VISA-323; 10-10-2001)

If a TN visa is issued, the petition shall be placed in the "Nonimmigrant Visas Issued" file.

9 FAM 41.59 N4.2 When Application Abandoned

If the alien abandons the application, and the petition is still valid, the post shall return the petition to the INS approving office.

9 FAM 41.59 PN4.3 When Visa Refused

(TL:VISA-323; 10-10-2001)

If a visa is refused (unless refused under INA 212(a)(4), (5), (7), or (9)(A) or (B), the petition shall be returned to the INS approving office. If a visa is refused under INA 212(a)(4), (5), (7), or (9)(A) or (B), the petition shall be placed in the refusal file and destroyed with the file in accordance with instructions contained in PART IV, Files.

9 FAM 41.59 PN4.4 When Petition Has Expired

(TL:VISA-323; 10-10-2001)

If the petition has expired, the petition shall be destroyed.

9 FAM 41.59 PN5 Visa Annotations

(TL:VISA-323; 10-10-2001)

The visas issued to professionals should be annotated in the same manner as other nonimmigrant visas. In the case of petition-based professional Mexican citizens, the annotation shall include the petition number. All visas should indicate the employer, and more importantly, the NAFTA "profession" which formulates the basis for TN status.

9 FAM 41.59 PN6 Visa Statistics

(TL:VISA-323; 10-10-2001)

Paragraph 2 of Article 1604 of NAFTA Chapter 16 requires each party to collect, maintain, and make available to the other parties data with respect to occupation, profession, or activity. Posts shall maintain a record of TN issuances by profession to be transmitted to the Visa Office in April and September. The report should be submitted with the semiannual report on a separate sheet and marked for the attention of VO/L/R.